

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
)	
ALLTEL Communications, Inc.)	DA-01-1866
Request for Waiver)	

To: The Commission

COMMENTS OF APCO, NENA, AND NASNA

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), the National Emergency Number Association ("NENA"), and the National Association of State Nine One One Administrators ("NASNA") (collectively referred to herein as "Public Safety Organizations") hereby submit the following comments in response to the Commission's *Public Notice*, DA 01-1866, released August 6, 2001, seeking public comments regarding a "Petition for Waiver of Sections 20.18(e) and (g) of the Commission's Rules" filed by ALLTEL Communications Inc. ("ALLTEL") on July 25, 2001, in the above-captioned proceeding.

ALLTEL is a largely rural carrier with a CDMA cellular network. As with other major CDMA carriers, ALLTEL plans to implement the A-GPS handset-based location technology to satisfy the Phase II requirements in the Commission's wireless E9-1-1 rules. However, ALLTEL claims that it is unable to meet the Commission's requirements for handset deployment, due to delays in obtaining handsets from vendors. ALLTEL also cites delays in

obtaining network switch equipment from vendors as a basis for postponing activation of location capability and delivery of Phase II data to PSAPs.¹

The Public Safety Organizations recently filed comments in response to waiver requests filed by other major CDMA carriers (Qwest, Verizon, and Sprint), and incorporate herein those comments to the extent relevant to ALLTEL. We also offer the following additional observations and comments.

While the Public Safety Organizations do not believe that ALLTEL has yet demonstrated a basis for a waiver, we note that it has at least come forward with a proposed (albeit vague) implementation schedule.² Other carriers serving predominantly rural areas have either been silent, or have claimed that there is little or nothing they can do to move forward to comply with the Phase II requirements. The requests filed by ALLTEL, Qwest, Verizon, Sprint and others all demonstrate that viable Phase II solutions do exist, even for carriers with large rural service areas, and that equipment is or will soon be available for deployment.

As ALLTEL acknowledges, another major CDMA carrier (Sprint) has indicated that it will have A-GPS handsets available on October 1, 2001. These handsets will be from vendors incorporating the Qualcomm MSM3300 chipset, rather than the next “generation” MSM5100 chipset. ALLTEL prefers to wait for the MSM5100 handsets, which will not even begin to be available until various dates in 2002, leading to nine month delays before ALLTEL can meet the Commission’s handset deployment benchmarks. ALLTEL also claims that, unlike Sprint, it would be unable to secure delivery of MSM3300 handsets to meet the Commission’s guidelines,

¹ ALLTEL should be required to identify the number of subscribers served by each brand of network switches, so that the Commission and others can better evaluate the impact of the proposed deployment dates.

² Indeed, ALLTEL appears to be proposing a plan that will result in actual delivery of Phase II information to PSAPs ahead of the time frame offered by other, much larger carriers. For example, in Appendix C of its request, ALLTEL proposes to provide Phase II activation 30 days following testing and verification of network upgrades.

except “on a minimum volume order which ... far exceeds ALLTEL’s requirements,” and would have to be “stockpiled” as “obsolete.” The more typical claim by carriers seeking waivers is that too few handsets are available. ALLTEL claims there are too many, at least of the type it prefers to deploy. The Commission should inquire as to whether this quantity requirement is a real manufacturing restriction, or simply a product of the price ALLTEL is willing to pay.

The Public Safety Organizations can appreciate the business desires of ALLTEL and others to deploy the newer chipsets and implement 3G technology. However, as we explained in our comments regarding other waiver requests, the more important issue here is the protection of life and property, which will be greatly enhanced by the provision of Phase II capability. The business desires of carriers, while not irrelevant, cannot be the driving force in addressing the serious need for deployment of location technology as soon possible.

With regard to handset and network switch equipment delays, we reiterate our request that the Commission investigate this matter carefully, and verify that the deployment schedules proposed by ALLTEL and other carriers are beyond their control and cannot be accelerated. Furthermore, ALLTEL (and other similarly situated carriers) should be required to specify what additional steps will be taken once location-capable handsets are available to speed actual deployment among both existing and new subscribers, and to meet the Commission’s ultimate Phase II deadlines.

ALLTEL should also propose an accurate interim location technology (or at least explain its failure to do so), that would allow it to provide location information until such time as it fully deploys Phase II capability compliant with the Commission’s rules. As we explained in other comments, carriers seeking extensions of the handset deployment schedule for their existing

networks should provide an accurate interim solution, or at least demonstrate why such a solution is impossible or counterproductive.

CONCLUSION

The Public Safety Organizations urge the Commission to scrutinize carefully the ALLTEL waiver request and require additional information consistent with the issues raised above and in our comments in response to similar requests from other carriers. The record as it stands does not provide a sufficient basis for a waiver of the Commission's rules.

Respectfully submitted,

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